



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Agriculture and Consumer Services (Board of)
VAC Chapter Number:	2 VAC 5-590
Regulation Title:	Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Ground Beef
Action Title:	Review
Date:	February 4, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The regulation establishes maximum amounts of fat and prohibits the addition of water and extenders to ground beef products.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 3.1-394 of the Code of Virginia (1950), as amended, authorizes the Commissioner to make regulations as to food definition and standard of identity, standard of quality, fill of container and tolerances. Additionally, § 3.1-398 authorizes the making of regulations, and provides for actions that address conformity with federal regulations, hearings, enforcement, and periodic review of regulations. The language contained within these two sections is discretionary; consequently, this regulation is not mandated.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The Department published its notice in The Virginia Register of Regulations on November 8, 1999 advertising the opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). The Department received no comment from the public regarding this regulation in response to this notice. An informal advisory group was not formed for the purpose of assisting in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

This regulation is effective in achieving its specific and measurable goals. The regulation establishes maximum amounts of fat that may be contained in ground beef products and prohibits the addition of water and non-meat ingredients to such products. The effectiveness of the regulation in achieving these goals is verified through official sampling of ground beef products by food safety specialists. Results of this sampling program have consistently demonstrated that the majority of the ground beef supplied to consumers meets the requirements of this regulation.

The regulation is essential to protect the health and welfare of citizens by ensuring a reasonably low level of fat in ground beef products. It also provides economic protection to consumers by ensuring that water and extenders are not added.

This regulation is clearly written and easily understood by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The agency has considered and rejected repealing the regulation. In the absence of the limitations and prohibitions contained in the regulation, there would be no limitation on fat in ground beef products, a consequence that would diminish consumer confidence in ground beef products, with an associated adverse effect on the reputation of ground beef products sold in Virginia and on the health of those consuming these products.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that this regulation be retained in its current form. This recommendation is based on the health and welfare benefits to consumers that have been previously delineated.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

Unless otherwise discussed in this report, this regulation has no impact upon families.